



## UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

07 MJ 8885

1	UNITED STATES OF AMERICA,	)	Magistrate's Case No.:
2		)	
3	Plaintiff,	)	COMPLAINT FOR VIOLATION OF
4		)	
5	v.	)	Title 21 U.S.C.S 841(a)(1)
6		)	Possession of a Controlled
7	Hector Rosales-Contreras	)	Substance with Intent to
8		)	Distribute
9	Defendant.	)	
10		)	

11 The undersigned complainant duly sworn states:

12 That on or about October 27, 2007, within the Southern  
 13 District of California, defendant Hector Rosales-Contreras, did  
 14 knowingly and intentionally possess with intent to distribute  
 15 approximately 256.96 kilograms (566.5 pounds) of marijuana, a  
 16 Schedule I Controlled Substance, in violation of Title 21 United  
 17 States Code, Section 841(a)(1).

18 And the complainant states that this complaint is based on the  
 19 attached Probable Cause Statement, which is incorporated herein by  
 20 reference.  
 21

22 Michael Dockery, Special Agent  
 23 Drug Enforcement Administration

24 Sworn to before me and subscribed in my presence, October 29,  
 25 2007.

26 Peter C. Lewis  
 27 UNITED STATES MAGISTRATE JUDGE  
 28

## PROBABLE CAUSE STATEMENT

1  
2  
3 I, Special Agent Michael Dockery, declare under penalty of  
4 perjury, the following is true and correct to the best of my  
5 knowledge:

6  
7 On October 27, 2007, at approximately 6:20 AM, United States  
8 Border Patrol (USBP) Senior Patrol Agent (SPA) M. Martinez received  
9 a report of a Jeep Cherokee that was traveling north from an area  
10 along the Colorado River near the International Boundary separating  
11 the United States and Mexico. This area is a very rugged and  
12 undeveloped area which is known for the illegal transportation of  
13 narcotics and illegal aliens into the United States. SPA Martinez  
14 observed the Jeep, later identified as driven by Hector ROSALES-  
15 Contreras, traveling north along an unmarked dirt road adjacent to  
16 the Colorado River and then onto Andrade Road. SPA Martinez noted  
17 that the vehicle had tinted windows and was driving very slowly.  
18 SPA Martinez drove her USBP marked patrol unit in behind ROSALES-  
19 Contreras' vehicle and initiated a vehicle stop using the vehicle  
20 lights and siren. ROSALES-Contreras failed to yield, made a 180  
21 degree turn and drove south on Andrade Road toward Mexico.  
22 ROSALES-Contreras then turned back onto the unmarked dirt road  
23 while attempting to flee. At this time, USBP Agent C. Miller got  
24 behind ROSALES-Contreras and began following him. Agent Miller  
25 noted that during this time, the rear window of ROSALES-Contreras'  
26 vehicle fell out allowing Agent Miller to clearly see into the back  
27  
28

1 of the vehicle. Agent Miller observed that there were many  
2 packages that were brown in color which were consistent with, based  
3 on Agent Miller's experience, packaging material used in the  
4 smuggling of marijuana. ROSALES-Contreras continued to evade USBP  
5 Agents by turning east toward the Colorado River and then back  
6 south along the Colorado River. Eventually, ROSALES-Contreras  
7 turned down a dead end road and was forced to stop where he was  
8 arrested. A passenger in the vehicle, a fourteen year old male,  
9 was detained by USBP for immigration status processing. From the  
10 vehicle, USBP Agents removed approximately 256.96 kilograms (566.5  
11 pounds) of a green leafy substance wrapped in brown packaging  
12 material and cellophane.

13  
14 DEA Special Agents Michael Dockery and Jeffrey Butler were  
15 called and responded to the location. SA Butler, as witnessed by  
16 SA Dockery advised ROSALES-Contreras of his Miranda Warnings.  
17 ROSALES-Contreras stated he understood and agreed to answer  
18 questions.

19  
20 ROSALES-Contreras stated he was approached by a Hispanic male  
21 he (ROSALES-Contreras) does not know and was told by the man to  
22 smuggle the marijuana into the United States or the man would  
23 kidnap ROSALES-Contreras' sister. ROSALES-Contreras stated that  
24 he knew there was marijuana in the vehicle. Furthermore, ROSALES-  
25 Contreras stated that the juvenile passenger was a friend but that  
26 he (ROSALES-Contreras) did not know why the juvenile was riding  
27 with him.  
28

1 Executed on this 27<sup>th</sup> day of October, 2007 at 4:45 AM (PM)

2 Michael Dockery  
3 Special Agent Michael Dockery  
4

5 On the basis of the facts presented in this probable cause  
6 statement consisting of 4 pages, I find probable cause to believe  
7 that the defendant named in this probable cause statement committed  
8 the offense on 10/27/07 in violation of Title 21 United  
9 States Code, Section 841(a)(1).  
10

11 [Signature]  
12  
13 United States Magistrate Judge

10/27/07 6:45p m.  
Date/Time